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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #7/Reg for

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08-14-1

In re application of:

Simon SANTA CRUZ, *et al.*

Application Serial No.: 09/758,962

Filed: January 9, 2001

For: **EXPRESSION OF FOREIGN  
GENES FROM PLANT VIRUS  
VECTORS**

Group Art Unit: 1642

Examiner: To be assigned

Attorney's Docket No:  
00801.0192.NPUS00

**REQUEST FOR A REFUND**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

On August 29, 2001, the undersigned attorneys on behalf of Applicants filed a Response to Notice to File Missing Parts for the above-referenced application, including a check in the amount of \$4306.00 to the order of the Commissioner of Patents and Trademarks. At the time of this filing, Applicants did not request a reduction of one half of the filing fee.

According to § 1.27, the undersigned is hereby asserting a claim for small entity status for the Applicants. Inventors Simon Santa Cruz, Gregory Pogue, Rachel L. Toth, Sean Chapman, and Fiona Carr have assigned their rights to Large Scale Biology Corporation. Large Scale Biology Corporation is a small business concern under § 1.9(d), thus is entitled to a status as small entity according to § 1.9(f).

Therefore, Applicants respectfully request a reduction of one half of the filing fee and a refund of \$2153.00.

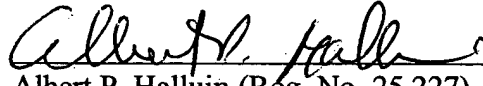
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OCT 25 2001  
PATENT & TRADEMARK OFFICE

It is believed that no fees are due in connection with this submission. However, if any fees are due, please charge them to Howrey & Simon's Deposit Account No. 08-3038.

Respectfully submitted,

Date: October 25, 2001

  
Albert P. Halluin (Reg. No. 25,227)  
Robin C. Chiang (Reg. No. 46,619)

**HOWREY SIMON ARNOLD & WHITE, LLP**  
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